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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x 07 Civ. 1296(CLB)  
ARAZ ALALI,

Plaintiff,

-against-

**ANSWER**

ROBERT GAZZOLA, individually, PATRICK J.  
CARROLL, individually, and the CITY OF NEW  
ROCHELLE, New York,

Defendants.

-----x

Defendants Robert Gazzola, Patrick J. Carroll and the City of New Rochelle, by  
their attorneys Wilson, Elser, Moskowitz, Edelman & Dicker LLP, for their answer, state  
as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth  
of the allegations included in ¶ 1 of the complaint.
2. Deny knowledge or information sufficient to form a belief as to the truth  
of the allegations included in ¶ 2 of the complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth  
of the allegations included in ¶ 3 of the complaint, except admit that Araz Alali is  
employed as a Police Officer by the City of New Rochelle.

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations included in ¶ 5 of the complaint, except admit that Robert Gazzola is employed as a Captain by the City of New Rochelle and denies that he has direct supervisory authority over plaintiff.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations included in ¶ 5 of the complaint, except admit that Patrick J. Carroll is the Commissioner of the Police of the City of New Rochelle.

6. Deny the truth of the allegations included in ¶ 6 of the complaint, except admit that the City of New Rochelle is a municipal corporation existing pursuant to the laws of the state of New York.

7. Deny the truth of the allegations included in ¶ 7 of the complaint.

8. Deny the truth of the allegations included in ¶ 8 of the complaint, including its various subdivisions (a) through (j).

9. Deny the truth of the allegations included in ¶ 9 of the complaint, including its various subdivisions (a) and (b).

10. Deny the truth of the allegations included in ¶ 10 of the complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations included in ¶ 11 of the complaint.

12. Deny the truth of the allegations included in ¶ 12 of the complaint, except admit that plaintiff's counsel faxed correspondence to the City of New Rochelle regarding a complaint filed with the EEOC and refers the Court to the document itself for its contents.

13. Deny the truth of the allegations included in ¶ 13 of the complaint.

14. Deny the truth of the allegations included in ¶ 14 of the complaint.
15. Repeat and reallege the responses set forth in ¶¶ 1 through 14 above.
16. Deny the allegations included in ¶ 16 of the complaint and respectfully refer all questions of law to the Court.
17. Repeat and reallege the responses set forth in ¶¶ 1 through 16 above.
18. Deny the truth of the allegations included in ¶ 18 of the complaint and respectfully refer all questions of law to the Court.
19. Repeat and reallege the responses set forth in ¶¶ 1 through 18 above.
20. Deny the truth of the allegations included in ¶ 20 of the complaint, and respectfully refer all questions of law to the Court.
21. Repeat and reallege the responses set forth in ¶¶ 1 through 20 above.
22. Deny the truth of the allegations contained in ¶ 22 of the complaint, and respectfully refer all questions of law to the Court.
23. Repeat and reallege the response set forth in ¶¶ 1 through 22 above.
24. Deny the truth of the allegations included in ¶ 24 of the complaint and respectfully refer all questions of law to the Court.

**AS AND FOR A FIRST  
AFFIRMATIVE DEFENSE**

25. Plaintiff fails to state a claim for which the Court may grant relief against the defendants.

**AS AND FOR A SECOND  
AFFIRMATIVE DEFENSE**

26. Plaintiff failed to exhaust his administrative remedies.

**AS AND FOR A THIRD  
AFFIRMATIVE DEFENSE**

27. Defendant Robert Gazzola is protected by the doctrine of absolute immunity.

**AS AND FOR A FOURTH  
AFFIRMATIVE DEFENSE**

28. Defendant Robert Gazzola is protected by the doctrine of qualified immunity.

**AS AND FOR A FIFTH  
AFFIRMATIVE DEFENSE**

29. Defendant Patrick J. Carroll is protected by the doctrine of absolute immunity.

**AS AND FOR A SIXTH  
AFFIRMATIVE DEFENSE**

30. Defendant Patrick J. Carroll is protected by the doctrine of qualified immunity.

**AS AND FOR A SEVENTH  
AFFIRMATIVE DEFENSE**

31. Plaintiff's claims are time-barred.

**AS AND FOR AN EIGHTH  
AFFIRMATIVE DEFENSE**

32. Any state law claims are barred by plaintiff's failure to serve a timely notice of claim.

**AS AND FOR A NINTH  
AFFIRMATIVE DEFENSE**

33. Any actions taken in reference to the plaintiff were not taken pursuant to a policy or custom of the City of New Rochelle.

WHEREFORE, a judgment is respectfully demanded:

- a) Dismissing the complaint,
- b) Awarding to the defendants reasonable counsel fees against the plaintiff,
- c) Awarding to the defendants the costs and disbursements of this action against the plaintiff, and
- d) Granting such other, further or different relief to the defendants as the Court deems just and proper.

Dated: White Plains, New York  
April 13, 2007

Yours, etc.

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
Attorneys for Defendants

By: 

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**Answers to Complaints**7:07-cv-01296-CLB Alali v. Gazzola et al

ECF

**U.S. District Court****United States District Court for the Southern District of New York****Notice of Electronic Filing**

The following transaction was entered by Meisels, Peter on 4/13/2007 at 1:15 PM EDT and filed on 4/13/2007

**Case Name:** Alali v. Gazzola et al

**Case Number:** 7:07-cv-1296

**Filer:** Patrick J. Carroll  
City of New Rochelle, New York  
Robert Gazzola

**Document Number:** 6

**Docket Text:**

ANSWER to Complaint. Document filed by Robert Gazzola, Patrick J. Carroll, City of New Rochelle, New York.(Meisels, Peter)

**7:07-cv-1296 Notice has been electronically mailed to:**

Jonathan Lovett jlovett@lovett-gould.com

Peter Alexander Meisels meiselsp@wemed.com

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